

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JAMES FIELDS, JR.)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-07-1029-F
)	
JUSTIN JONES, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff, a state prisoner appearing *pro se*, brings this action pursuant to 42 U.S.C. § 1983 alleging a violation of his constitutional rights. Plaintiff's pleadings are liberally construed.

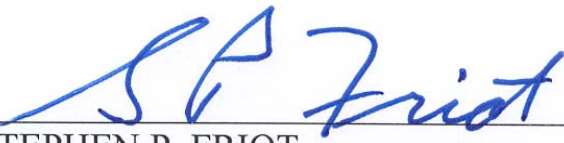
Magistrate Judge Doyle W. Argo's Report and Recommendation of April 18, 2008 (the Report), is before the court (doc. no. 14). In it, Magistrate Judge Argo recommends that Counts 2, 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 20, 21, 22, 23, 24, 26, 27, and 28 be dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Magistrate Judge Argo further recommends that Counts 1, 9, 10, 11, 12, 13, 18, 19, and 25 also be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), but with leave to amend.

The Report advised plaintiff of his right to file an objection to the Report with clerk of this court by May 8, 2008. The Report further advised that failure to make timely objection to the Report waives plaintiff's right to appellate review of both factual and legal issues contained in the Report. Plaintiff has not filed an objection

or response to the Report, and plaintiff has not sought an extension of time within which to file any objection or response.¹

After review of the issues covered in the Report, with no objection having been filed, and having concluded that no further analysis is necessary, the Report and Recommendation of Magistrate Judge Doyle W. Argo is **ACCEPTED, ADOPTED,** and **AFFIRMED** in its entirety. Counts 2, 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 20, 21, 22, 23, 24, 26, 27, and 28 are dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Counts 1, 9, 10, 11, 12, 13, 18, 19, and 25 are dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), but with leave to amend. Any amendment must be filed within thirty calendar days of the date of this order. If no amendment is filed, judgment will then be entered in favor of the defendants.

Dated this 13th day of May, 2008.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

07-1029p002.wpd

¹Plaintiff's copy of the Report was returned to this court as undeliverable to plaintiff. (See doc. no. 15.)